

EXHIBIT BA

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 IN RE: TERRORIST ATTACKS) 03-MDL-1570 (GBD) (SN)
4 ON SEPTEMBER 11, 2001)
5)
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8 — — —
9 Tuesday, July 13, 2021
10 — — —

11 THIS TRANSCRIPT CONTAINS
12 CONFIDENTIAL MATERIAL
13 — — —

14 Remote video-recorded deposition of JONATHAN M.
15 WINER, held at the location of the witness,
16 commencing at 10:04 a.m., on the above date, before
17 Debra A. Dibble, Certified Court Reporter,
18 Registered Diplomate Reporter, Certified Realtime
19 Captioner, Certified Realtime Reporter and Notary
20 Public.

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22
23

24 — — —
25 GOLKOW LITIGATION SERVICES
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27 deps@golkow.com

1 A. 135 pages is correct.

2 Q. And is that correct that your rebuttal
3 was 66 pages?

4 A. Yes.

5 Q. Do you agree with me that this is a
6 massive case, correct?

7 A. Yes.

8 Q. With massive documents; correct?

9 A. Yes.

10 Q. Massive documents produced?

11 A. Yes.

12 Q. This is for the finder to evaluate claims
13 and defense in this case. Do you agree with me?

14 A. Yes.

15 Q. Did you choose which document to review
16 and which document not to review?

17 A. Yes.

18 Q. Did the lawyers select documents for you
19 to review?

20 A. Yes and no.

21 Q. What do you mean by yes and no?

22 A. I was given an initial group of
23 documents. After going through those documents, I
24 asked for more documents. And that took place a
25 couple of times.

1 Q. And that's from the time, I assume, that
2 you start reviewing the documents to the time that
3 you issued your final report; correct?

4 MR. HAEFELE: Objection to form.

5 A. Yes.

6 Q. (BY MR. MOHAMMEDI) Were any documents in
7 Arabic?

8 A. There are no documents in Arabic that I
9 have read. I don't read Arabic.

10 Q. Were there any documents translate -- I'm
11 sorry.

12 A. There were documents in Arabic that were
13 translated into English in which I had both English
14 and Arabic language next to it. I am not able to
15 determine whether the English was authentic to the
16 Arabic, but they were still represented.

17 Q. Which documents did plaintiff give you to
18 review?

19 MR. HAEFELE: Objection.

20 A. Please repeat --

21 Q. (BY MR. MOHAMMEDI) What documents did
22 plaintiffs' lawyers give to you review?

23 A. The documents listed in my reliance
24 report.

25 Q. So it is fair to assume that all the

1 document that your reliance materials are the ones
2 that plaintiff gave you to review?

3 MR. HAEFELE: Objection to form,
4 foundation.

5 A. It's my understanding that the materials
6 in the reliance report were the materials that were
7 provided to me, that's correct, plus additional
8 materials that I found.

9 Q. (BY MR. MOHAMMEDI) And that includes the
10 materials that were produced in this litigation; is
11 that correct?

12 A. It does include some materials produced
13 in this litigation, yes.

14 Q. And do you know how many materials were
15 produced in this litigation?

16 A. I do not.

17 Q. So you have no idea how many documents
18 were produced in this litigation?

19 A. It's not something that I have an opinion
20 on it.

21 Q. Okay.

22 A. I can make no representations of fact as
23 to how many documents have been produced in the
24 litigation.

25 Q. Did you ask for that?

1 A. I asked for -- to receive as much as
2 possible given the amount of time that there was for
3 me to prepare my report.

4 Q. So you specifically asked to be given --
5 that plaintiffs' lawyers will give you as many
6 documents as possible to review to render your
7 opinion?

8 MR. HAEFELE: Objection to form,
9 misstates testimony.

10 A. What I have stated in this deposition and
11 am happy to restate is that I was given a lot of
12 material initially. After spending some extensive
13 number of hours on that material, I requested
14 additional material of various kinds. I did that on
15 more than one occasion. I don't remember how many
16 occasions.

17 In addition, I asked for some academic
18 materials that I needed to get quickly, that I
19 understood the firm might have, which they were able
20 to provide me. An example of that might be a report
21 by Mr. Benthall or Mr. Hegghammer. Merely as
22 examples. I don't recollect precisely which reports
23 those were, because once I had them, how I acquired
24 them was not particularly important. Their
25 authenticity and accuracy, of course, was, but in an

1 citations. And in addition, they listed the
2 material they provided me.

3 Q. Okay. Just as a follow-up question, you
4 are not aware that -- how many pages the Assembly of
5 Muslim Youth produced in this case, correct?

6 A. I do not know the number of pages that
7 any entity produced in this case.

8 Q. Let me tell you how many pages Mr. -- I'm
9 sorry, what the Assembly of Muslim Youth has
10 produced. It's 1.264621 pages.

11 And that's WAMY Saudi Arabia.

12 And WAMY International produced 15,202
13 pages of documents in this case.

14 Have you seen any of these?

15 MR. HAEFELE: Objection, form,
16 foundation, misleading.

17 A. I've seen some of them. I've seen some
18 audits. I have requested every bit of audit
19 material.

20 Q. (BY MR. MOHAMMEDI) But audits were not
21 listed in the affirmative report, were they?

22 A. They were not. I was not provided those
23 at the time. I asked for them, and I got them
24 later. And when I reviewed them, I then provided my
25 analysis. But I wanted them from the beginning. I

1 wanted an audit and I did request them.

2 Q. Is it fair to say that you did not review
3 the audit before you produced your affirmative
4 report; correct?

5 A. My report itself says I did not.

6 Q. Okay. And are you aware that Muslim
7 World League produced over 700,000 pages of
8 documents?

9 MR. HAEFELE: Objection to form.

10 A. I have stated and now repeat that I am
11 not aware of the amount of documents produced by
12 anyone involved in the case in terms of the numbers.

13 Q. (BY MR. MOHAMMEDI) And it's fair to say
14 that your affirmative report did not really rely
15 mostly on the documents produced in this case;
16 correct?

17 MR. HAEFELE: Objection to form.

18 A. I can't respond to that question with a
19 yes or a no.

20 Q. (BY MR. MOHAMMEDI) No, you can.

21 A. It relied on the material that I've
22 listed. I looked at every audit that I was able to
23 get my hands on and the financial records associated
24 with them. And I went through depositions of the
25 officers of the defendants, for example, and sought

1 of the material that was provided within the time
2 that I had.

3 Q. But my question is, is this the one that
4 you relied on?

5 A. You would have to show me the document,
6 sir.

7 Q. No, I don't need to show you the
8 document.

9 A. Well, then I can't tell you to what
10 extent I considered it.

11 Q. I am relying on the reliance material
12 that you produced and you said that those are the
13 documents you relied on when you produced your
14 report; correct?

15 MR. HAEFELE: Objection, badgering.

16 A. Those are the documents that were made
17 available to me by the law firm and which I did my
18 best to consider. I considered as much as I
19 possibly could within the time allotted, within the
20 time that I had to get the report done.

21 Q. (BY MR. MOHAMMEDI) Is this reliance
22 material accurate?

23 A. The material that was available to me,
24 it's accurate, yes.

25 Did I go through as much of it as I

1 Q. (BY MR. MOHAMMEDI) Did they submit
2 reliance material, did they?

3 John Marks would submit his reliance
4 material. Did you --

5 MR. HAEFELE: Object to the form.

6 Q. (BY MR. MOHAMMEDI) Did you review the
7 reliance materials that John Marks submitted in his
8 report?

9 MR. HAEFELE: Objection to form,
10 foundation.

11 A. I reviewed all the audit material that
12 was made available to me, and my conclusions about
13 that audit material were provided in my rebuttal
14 report.

15 Q. (BY MR. MOHAMMEDI) And is that fair to
16 say, based on his statement in his report?

17 A. I looked at the statements in his report.
18 I looked at the audit material. I asked if there
19 was any additional audit material, and I expressed
20 my concern that there was a lot of material that was
21 still missing.

22 Q. Okay. Which questions relating to the
23 involvement of charities in international terrorism
24 finance in the period leading up to 9/11 attacks
25 were you asked to opine on?

1 different. Are all of the opinions you provide in
2 this case were set forth in your affirmative report
3 as well as your rebuttal report?

4 MR. HAEFELE: Objection to form.

5 A. I reserved the right in both reports to
6 provide additional responses as appropriate based on
7 additional information that I learn. And I
8 maintained that in, I believe, some formulation of
9 that in each of the reports.

10 Q. (BY MR. MOHAMMEDI) Okay. I'm talking
11 about your submission of the report. Those opinions
12 are really the opinions that you express within your
13 report at the time of submission of your report and
14 your rebuttal report; correct?

15 MR. HAEFELE: Objection to form.

16 A. Yes.

17 Q. (BY MR. MOHAMMEDI) What areas are you
18 testifying as an expert in this case?

19 MR. HAEFELE: Objection, form.

20 A. You're asking me to recapitulate the
21 areas that I'm testifying about?

22 Q. (BY MR. MOHAMMEDI) Yes. Yes.

23 A. Al-Qaeda and its funding needs pre-9/11;
24 Saudi Arabia as a source of funds for al-Qaeda
25 terrorism to 9/11; charities as a source of funds

1 for al-Qaeda and terrorism to 9/11; the impact of
2 the charities to build al-Qaeda's global strike
3 capabilities.

4 Q. Are you reading from notes?

5 A. No.

6 Q. Okay. Go ahead.

7 A. I'm reading from the list of my section
8 in the table of contents.

9 Q. Okay. No problem. Go ahead.

10 A. The role of training camps in building
11 al-Qaeda capabilities; why charity records would not
12 show al-Qaeda support; implications of financial
13 accounting irregularities; al-Qaeda's use of
14 charities for aligned terrorist groups; the role of
15 the IIRO, MWL, and WAMY in material support of
16 al-Qaeda.

17 No separation of purposes of funds used
18 in material support; purpose of the 13224 executive
19 order designation program; evidence the
20 United States needs to designate a person or entity
21 under executive order 13224; implications of
22 nondesignation of a personal entity under that same
23 order; implications of withdrawal of a designation
24 under that order; and implications of nondesignation
25 for withdrawal for UN program.

1 Q. Okay. So you are rendering your opinion
2 with this type of expertise in this report. Is that
3 what you're claiming? You are an expert in all
4 these areas that you are rendering your opinion on?

5 A. I'm not claiming anything. I have
6 rendered my opinion in these areas.

7 Q. As an expert?

8 A. As an expert in international financial
9 crime and terrorist finance, including the area of
10 charity abuse.

11 Q. Okay. So I'm just trying to understand
12 your area of expertise in this case.

13 MR. HAEFELE: Objection to form. Is
14 there a question there, Omar?

15 Q. (BY MR. MOHAMMEDI) Is there an area of
16 expertise you have and you're rendering an opinion
17 in this case?

18 MR. HAEFELE: Objection to form.

19 A. I have been studying and worked as a
20 practitioner in counter transnational financial
21 crime going back to the earliest phases of my career
22 beginning in 1980 when I did my first money
23 laundering case. That expertise included
24 investigations of terrorist activity and terrorist
25 finance when I worked in the United States Senate in

1 the 1980s; that included exposure to these issues
2 continuously during the time that I was at the State
3 Department from 1994 through 1999. So from the
4 period of from 1985 to '99 while I was in the
5 federal government, I was exposed -- 1985 to 1999 --

6 MR. MOHAMMEDI: Mr. Winer, I thought
7 you were answering my question. We are going
8 to go through those.

11 Q. (BY MR. MOHAMMEDI) My question is --

12 MR. HAEFELE: Omar, let me object to
13 you interrupting and not letting him finish
14 the answer to the question. I understand --

15 MR. MOHAMMEDI: I don't think he's --
16 I don't think he's -- his answer is not
17 responsive and I want to make sure I have a
18 response.

19 MR. HAEFELE: All right. I just want
20 the record --

21 MR. MOHAMMEDI: I am not asking
22 him --

23 MR. HAEFELE: Omar, I just want the
24 record --

25 MR MOHAMMEDI: Listen can you

1 places and you listed the universities and law
2 schools I believe that you taught at. Where -- were
3 those positions are permanent positions, are they
4 adjunct professor positions, or they're just
5 occasional lectures you're giving to those
6 institutions?

7 MR. HAEFELE: Objection to form.

8 A. At the Kent School, my work was under
9 contract. So that was regular and ongoing for the
10 period of many years. I don't recollect precisely
11 the number of years.

12 The other were -- teaching has been
13 largely ad hoc, which is to say I've been invited to
14 teach a seminar by another academic.

15 In 2017, I taught a student -- a group of
16 students on transnational -- certain transnational
17 criminal issues at the MacDill school and I was an
18 adjunct faculty there at MacDill in Washington for a
19 semester. So it's been a variety of different
20 capacities. I have not been part of the regular
21 faculty or adjunct faculty at any school, but you
22 asked me the question, am I an academic. I am
23 published in a number of academic journals.

24 Q. (BY MR. MOHAMMEDI) Okay. We'll get into
25 that.

1 So is it fair, you have not been a
2 faculty of any academic institution. Is that fair
3 to say?

4 A. I have not been a resident faculty member
5 of any institution. I am a nonresident scholar at
6 this time and have been since 2017 at the Middle
7 East Institute.

8 Q. Are you a social scientist?

9 A. I am an attorney. I did study some
10 social science in law school.

11 Q. But you are not a social scientist?

12 A. I am not a Ph.D.

13 Q. Are you a certified public accountant?

14 A. No.

15 Q. Are you a forensic accountant?

16 A. No.

17 Q. Are you certified fraud examiner?

18 A. No.

19 Q. Are you or have you been a member of the
20 law enforcement?

21 A. Have I been a member of law enforcement?

22 Q. Law enforcement.

23 A. I worked as a prosecutor at the beginning
24 of my career.

25 Q. But that's the -- that's the experience

1 that related to law enforcement that you are talking
2 about, right?

3 A. No, that's incorrect.

4 Q. Okay. Go ahead.

5 A. For six years I was the lead person at
6 the United States Department of State, addressing
7 international law enforcement issues. In that
8 period I worked with U.S. law enforcement on a daily
9 basis.

10 Q. Were you yourself a member of law
11 enforcement?

12 MR. HAEFELE: Objection to form.

13 A. Did I have the power to prosecute? I did
14 not. Did I have the power to arrest? I did not. I
15 was not a prosecutor or a police officer. Except
16 early on when I did a -- when I did a money
17 laundering prosecution.

18 Q. (BY MR. MOHAMMEDI) Have you ever worked
19 as an intelligence service analyst or agent?

20 A. I have worked under contract for a U.S.
21 government analytic agency for many, many years,
22 providing both intelligence and analysis to that
23 agency, as disclosed in my CV.

24 Q. You testified that you are an expert in
25 history of al-Qaeda; correct?

1 A. I would have to look at precisely what
2 their CV said.

3 Q. Are you an expert in history of al-Qaeda?

4 A. What is that? Omar, I didn't hear you.

5 Q. Al-Qaeda. Are you an expert on history
6 of al-Qaeda?

7 A. In certain context, yes. I know enough
8 about its activities Afghanistan, Bosnia, Chechnya,
9 Sudan, Southeast Asia, and elsewhere to have
10 familiarity with its activities.

11 Q. How do you know that?

12 A. I have some expertise in the area. I am
13 not an Arabic reader, so there are things that are
14 in Arabic, I'm sure, that would allow me to know
15 more.

16 Q. How do you -- how did you gain that
17 expertise?

18 A. When the United States government first
19 became concerned about al-Qaeda in the 1990s, I was
20 meeting regularly with Richard Clarke at the NSC who
21 is the United States government's counterterrorism
22 czar at the time. And I was dealing with the
23 interrelated issue of international crime, and in
24 particular international financial crime. And the
25 two are inexorably intermingled, and the

1 United States was seeking that period of time, both
2 to understand these phenomena and to begin to build
3 capacity to combat them. And I had regular contact
4 with Mr. Clarke and was working for him and with
5 him, such as with Michael Sheehan, for example, and
6 Rand Beers on these issues in the late 1990s and
7 became aware of his concern.

8 Q. Okay. And is it fair to say those were
9 within the policy scope?

10 MR. HAEFELE: Objection, form.

11 A. I'm not sure I understand the question.

12 Q. (BY MR. MOHAMMEDI) Were you dealing with
13 this matter from a policy perspective?

14 A. Yes, but I also was trying to -- it was
15 my job also to communicate to other countries about
16 what we needed them to do and what capacities we
17 needed. I did not do that, however, regarding
18 al-Qaeda myself. I was aware that others were, but
19 I was not.

20 Q. You were not. Okay. Have you ever
21 studied terrorism in an academic setting?

22 A. I couldn't understand the question.

23 Q. Have you ever studied terrorism in any
24 academic setting?

25 A. I have been asked to write about

1 charities? Sorry.

2 A. I have done work in the field of
3 charities now over -- since the late 1980s.

4 Q. In the McDonald versus TD Bank, you held
5 yourself as an expert on interpretation application
6 of Canadian banking laws; correct?

7 A. No.

8 Q. What did you hold yourself as an expert
9 in?

10 A. My expertise was on international banking
11 standards, including as they applied in Canada.

12 Q. So it is an application of Canadian
13 banking law?

14 MR. HAEFELE: Objection, form.

15 Q. (BY MR. MOHAMMEDI) Is it?

16 A. My expertise was on the comparative law
17 and the underlying international standards that were
18 applicable in Canada and elsewhere. And
19 understanding the obligations of banks.

20 MR. LEWIS: Court reporter, can you
21 put the Exhibit 61 we sent you, which I think
22 would be 900.

23 (Winer Deposition Exhibit 900,

24 McDonald and Dickson v TD Bank
25 citation, was marked for

1 identification.)

2 TRIAL TECHNICIAN: And you said 61?

3 MR. MOHAMMEDI: Yes.

4 Q. (BY MR. MOHAMMEDI) If you go --

5 Mr. Winer, if you go to page 32, 33 of this --

6 So it's McDonald versus TD Bank?

7 A. Yes.

8 Q. Right? And it's a trial testimony;
9 correct?

10 A. Yes.

11 Q. And in that exhibit, page 32, 33 -- I'm
12 trying to find here. It's note 167. Do you see
13 that?

14 A. Yes.

15 Q. What does it say?

16 A. Do you want me to read it to you?

17 Q. Yes, please.

18 A. Messrs. Winer and Delston are U.S.
19 attorneys. Mr. Winer has been referred to as a
20 leading architect of relevant laws, regulations, and
21 international standards addressing financial crime
22 and money laundering. He served as counsel and a
23 legislative assistant to U.S. Senator John Kerry
24 from 1985 to 1994, following which he was directly
25 involved in numerous international anti-money

1 laundering initiatives for the United States
2 government. TD Bank objected to his testifying as
3 an expert on matters concerning a Canadian bank
4 since Mr. Winer is neither a banker nor a Canadian.
5 At trial, I qualified him as an expert on
6 international banking standards.

7 Q. Okay. And then, so -- and then you go to
8 same page, 169.

9 It says: Despite qualifying them as
10 experts -- referring to you and another expert named
11 Delston -- were not qualified to provide opinion
12 evidence regarding the interpretation or ... laws of
13 Canada or Ontario. Indeed, they both acknowledged
14 that they are not experts in Canadian banking
15 practices and had no experience with the Canadian
16 regulatory regime.

17 A. That was her finding. I don't agree with
18 her characterization of --

19 Q. But that's the finding. That is the
20 finding; correct?

21 A. Yes.

22 Q. And when you applied as an expert, you
23 did apply as an expert in a Canadian regulatory
24 regime, correct? And you were excluded?

25 A. In part.

1 I am an expert in financial crime and in
2 the question of when inadequate disclosure creates
3 opportunities for the abuse of charities. And I've
4 been a proponent for many years of stronger
5 reporting standards for charities, because of that
6 concern, and testified before Congress some
7 substantial number of years ago, I think in the 00s,
8 on that issue.

9 Q. And do you do your own financial analysis
10 of this reporting or do you use accountant or
11 forensic accountant for that purpose?

12 A. It depends on the context in the case. I
13 have been involved in a matter in which the
14 attorneys involved in the matter retained an
15 accounting firm to do the forensic accounting work,
16 which we then assessed as -- in connection with an
17 OFAC matter. And part of providing the terms of
18 reference for the accounting firm, what we needed,
19 what we needed to analyze and understand.

20 So for that purpose, I was an expert in
21 order to assess what the U.S. government would
22 require to provide certainty, enough certainty that
23 there was no risk of terrorist findings to enable a
24 person or entity to be delisted. When I was
25 investigating BCCI in the 1980s, I spent extensive

1 A. Yes.

2 Q. -- related to where?

3 A. Yes.

4 Q. Are you an expert on Islam?

5 A. I am not an expert on the doc --
6 religious doctrine of any kind, except to the extent
7 that it involves the political impact of different
8 types of interpretations of religion when a religion
9 is politicized into a political movement, where I
10 have expertise.

11 So when you have a combination of foreign
12 policy, security, and religion, that's an area that
13 I have devoted some extensive work on over a long
14 period of time.

15 And that is an area of expertise, yes.

16 In the Middle East bureau, where I was from 2013 to
17 2017, we were constantly dealing with -- within the
18 bureau and I was personally -- the competing agendas
19 of political Islam and various strands and strains
20 of political Islam, including that in the Islamic
21 state and al-Qaeda and other groups like Ansar
22 al-Sharia. And that competing with -- Arab
23 nationalism competing with states that would be
24 modern unitarian states, competing with warlord and
25 different types of rule in which pan-Islamic rule

1 was one of the strains, political strains that had
2 all kinds of consequences for terrorism and
3 terrorist risk, and having to understand the various
4 strands of those was critically important to my
5 work.

6 In that period in particular, while I was
7 involved.

8 Q. (BY MR. MOHAMMEDI) But you are not an
9 expert on Islamic terms of concept from a religious
10 standpoint, are you?

11 MR. HAEFELE: Objection, form. Asked
12 and answered.

13 A. I am not really -- I'm not willing to
14 adopt your question as an answer. I'm happy to say
15 again what my expertise is.

16 Q. (BY MR. MOHAMMEDI) Are you a religious
17 expert? "Yes" or "no."

18 MR. HAEFELE: Objection to form.

19 Q. (BY MR. MOHAMMEDI) Are you a religious
20 expert?

21 MR. HAEFELE: Still objection to
22 form. It's the same question and he's
23 answered.

24 A. I developed expertise in the political --

25 Q. (BY MR. MOHAMMEDI) I just say, are you a

1 religious expert? I mean, it's -- you already
2 explained that. I'm just asking you are you a
3 religious expert?

4 MR. HAEFELE: Omar, you keep asking
5 and repeating the same answer he gave.

6 MR. MOHAMMEDI: He already answer a
7 question that was not really what I was
8 asking. I'm just asking if you are a
9 religious expert.

10 A. I can answer it this way: My father was
11 a medical researcher in cardiovascular disease and
12 learned some fundamental principles in connection
13 with the angiotensin system. He was an expert in
14 that area. He was also a doctor. He was not an
15 expert in glioblastoma. So if you're asking
16 somebody are you an expert in medicine, well, yes,
17 my father was a medical expert, a medical expert
18 with certain areas of expertise.

19 I have certain areas of expertise. Am I
20 a religious expert who spent my life on Islam,
21 Christianity, Judaism, Buddhism, Bahaism, Sufism,
22 the difference between Sunni and Shia, I have not
23 spent my lifetime on it, although I could give you
24 the basics of the Sunni/Shia split if it was of help
25 to you. I could discuss when Wahhabism originated

1 and when the modern Salafi movement originated, and
2 the fact that some people think its antecedents go
3 back earlier and foundations for it earlier. I can
4 talk about the relationship between Egypt and
5 Saudi Arabia in competing for religious dominance.
6 But does that make me an expert in religion? No.

7 MR. GOETZ: Objection, nonresponsive,
8 move to strike.

9 Q. (BY MR. MOHAMMEDI) Do you hold yourself
10 as a religious expert in this case?

11 MR. HAEFELE: Objection to form.

12 MR. MOHAMMEDI: Just answer this
13 "yes" or "no."

14 MR. HAEFELE: Objection, you can't
15 demand a "yes" or "no" answer.

16 MR. MOHAMMEDI: Robert, you can stop
17 interjecting.

18 THE WITNESS: I believe I've answered
19 the question.

20 Q. (BY MR. MOHAMMEDI) Are you an expert on
21 religion in this case?

22 MR. HAEFELE: Objection to form,
23 asked and answered multiple times.

24 A. I am expert on the political aspects of
25 Islam and how it played out in the region in the

1 1980s, 1990s, and 00s.

2 Q. Are you an expert in Islamic terms and
3 concepts?

4 A. I know about a few of them. Not all of
5 them.

6 Q. Are you an expert --

7 Knowing is not an expert. Do you agree
8 with me?

9 MR. HAEFELE: Objection to form,
10 argumentative.

11 A. I think it's really up to others to
12 determine the scope of my expertise. I felt
13 comfortable and continue to feel comfortable
14 answering questions that were posed to me in my
15 expert report.

16 Q. (BY MR. MOHAMMEDI) Okay. Then we go to
17 the next point.

18 (Reporter clarification.)

19 Q. (BY MR. MOHAMMEDI) Are you an expert on
20 the Kingdom of Saudi Arabia history?

21 A. I know a fair amount about the Kingdom of
22 Saudi Arabia. I dealt with issues relating to it
23 every day in my last work, the state departments. I
24 was not personally responsible for that
25 relationship, but I was in meetings each morning

1 when I was in Washington to discuss the ins and outs
2 of that relationship.

3 And I'm familiar with the modern history
4 of Saudi Arabia.

5 Q. Have you ever been posted in
6 Saudi Arabia?

7 A. No.

8 Q. Have you ever been posted anywhere in the
9 Middle East pre-9/11 as U.S. representative?

10 A. I'm sorry, please repeat the question.

11 Q. Have you ever been posted anywhere in the
12 Middle East pre-9-11 as a U.S. representative?

13 A. I've undertaken missions in a variety of
14 places in the Middle East. I have been posted in
15 Washington. I've always been -- I've lived in
16 Washington since 1985.

17 Q. If we go to you -- as Exhibit 2, your CV
18 and the experience and qualifications.

19 MR. HAEFELE: Just for the record,
20 it's not Exhibit 2.

21 MR. MOHAMMEDI: I'm sorry, I'm sorry.
22 Which exhibit, that CV and qualification.

23 MR. HAEFELE: 896.

24 Wait, do you want his CV or his
25 expert report?

1 During this period of time, Mr. Clarke
2 was quite frustrated with the response of the U.S.
3 government to what he perceived as a tremendous
4 threat. I was one of the people in the functional
5 bureaus who he could talk with about the nature of
6 the threat without getting push-back.

7 The regional bureaus very often would
8 push back when you were asking countries to do more.
9 And the Middle East bureau, in this period of time,
10 would push back sometimes.

11 And so I got exposed to it in that
12 period. When I went to Alston & Bird, after 9/11, I
13 was reached out to by the United States Senate, by
14 ABC News, by academic institutions, and participated
15 in a number of seminars, conferences, and so on, on
16 terrorism finance; and used that period of time to
17 deepen my knowledge and research into the
18 phenomenon. I also was retained by the
19 United States government from a period of about 2000
20 to a period of about 2008 to provide regular reports
21 on countries relating to money laundering, terrorist
22 finance, corruption, these countries'
23 vulnerabilities, and these companies' capacities to
24 deal with them.

25 And so my study continued while I was

1 contracts?

2 A. I can't tell you how many. I can tell
3 you how many years. They began in 2000 and
4 continued through 2008. In which I was providing
5 work regularly to the United States government
6 throughout that period of time on this set of
7 issues.

8 Q. And when you say, when you talk about
9 2000, 2008, and you talk about your -- the contract,
10 are those the clients that you were advising during
11 that time?

12 A. I had private sector clients I provided
13 advice to in connection with OFAC, and I had the
14 government as a client providing analytic --
15 academic or analytic work on country studies,
16 principally, though it was not only country studies,
17 of vulnerability to money laundering, vulnerability
18 to terrorist finance. Their capacities to combat
19 these phenomena. And what measures of performance
20 might look like if they built greater capacity.

21 Q. And did you represent any charity itself
22 in this -- during that time period?

23 A. Yes, as I've mentioned, I did.

24 Q. And was there --

25 A. As I've stated, I have, yes.

1 laundering and antiterrorist laws and made
2 recommendations on them. But that wasn't -- that
3 was a separate engagement that I did pro bono in
4 addition to the formal engagement.

5 Q. Mr. Winer, every time you respond, you
6 say money laundering and terrorism finance. Is it
7 that every time you dealt with money laundering you
8 dealt with the terrorism finances as well?

9 A. I can't say every time, but after 9/11,
10 in the work that I did for the U.S. government, it
11 was, if not always, it was almost always.

12 As I said a few minutes ago, there were a
13 few reports that I did for the United States
14 government which were outside of the country
15 analysis framework. The 100-plus reports that I
16 did -- and it might have been 120, I don't remember
17 the exact number. It tended to be about 20 a year,
18 to the best of my memory -- were generally country
19 reports, but they also asked me to look at things
20 like global financial risk from derivatives, the
21 money laundering and crime risk of internet
22 gambling. So occasionally there would be specialist
23 topics. But the country reports always included,
24 the best of my memory, a charity finance department.

25 Q. And were you responsible to get with

1 A. Yes, I do.

2 Q. You do? Okay. And when you mentioned
3 the primary sources, obviously primary sources can
4 be in the form of document produced in a case;
5 correct?

6 A. Yes.

7 Q. And then if you provide your
8 information -- your opinion by not reviewing the
9 documents in the case, would you consider that a
10 complete conclusion?

11 MR. HAEFELE: Form.

12 A. You told me that there were millions of
13 pages of materials produced in this case. That's my
14 understanding. Is there anything that you would
15 have to correct that understanding or is that
16 correct? There were millions of documents produced
17 in this case?

18 Q. (BY MR. MOHAMMEDI) Yes, I did.

19 A. I don't know how I or any other human
20 being who is an expert witness could review millions
21 of pages of documents in the case. There wouldn't
22 be enough time in a year to do that. There wouldn't
23 be enough time maybe in five years or ten years for
24 one person to do that. So that cannot be what's
25 required of an expert.

1 What I did was I looked at, in light of
2 my own experience and knowledge, which included the
3 academic analytic work that I did for the U.S.
4 government, as well as my own tenure working for the
5 Senate and my two tenures at the State Department,
6 and the work that I've done on behalf of clients, I
7 looked at the materials provided to me by the
8 attorneys in this case, supplemented it with
9 additional research into the secondary literature of
10 some scholars, who I cite in my reliance material,
11 and that's how I came to my formulations.

12 When there was first-hand information
13 that I thought was particularly relevant, I looked
14 at it. And when I didn't have it, I asked for more
15 of it. A particular case of that is there were
16 representations about the extent of audits. I
17 wanted every audit that I could get my hands on.
18 The more, the better, because that's primary source
19 information that's very important to me.

20 Q. So let's make it clear on the record that
21 the audit you're referring to are not in your
22 affirmative report. Right?

23 A. Yes.

24 Q. Let's also --

25 A. Excuse me, the audits for WAMY were not

1 in my affirmative report. There were some IIRO
2 audits. I asked for them and I wanted them. I got
3 more audits from my rebuttal report and then
4 analyzed those.

5 Q. And let's make it clear that the reliance
6 materials that you have, the documents produced in
7 this -- the documents produced in this case were
8 given to you by plaintiffs' attorneys; correct?

9 A. Most of them were, or many of them were.
10 I supplemented as best I could with additional
11 research when I felt that additional research that I
12 was able to get in the limited amount of time that I
13 had between the time of my retention and the time
14 that my report was due, I would supplement.

15 Q. In your prior testimony, you stated those
16 are the documents that you relied on in rendering
17 your opinion in your affirmative report, correct?

18 A. Yes.

19 Q. The index. Okay. If an allegation
20 appears in a government document in your
21 methodology, do you accept the fact -- accept it as
22 a fact or do you do anything to attempt to
23 corroborate or dispel fact assertions?

24 MR. HAEFELE: Objection to form.

25 A. That's a very broad category, government

1 how you put it against other material. In the case
2 of that article, I now understand that the
3 chairman --

4 Q. Okay. So I think -- I really --

5 A. Yeah.

6 Q. Let me -- I'm sorry, let me ask you this.
7 So you are saying any quotes in a newspaper article
8 will -- you would consider it as primary source,
9 anything else would not be -- you don't consider as
10 primary source. Correct?

11 A. No, it's not that simple.

12 Q. Okay. All right. That's fine. That's
13 fine. We'll move on.

14 It's fine.

15 Do you know about Harmony database?

16 A. Yes.

17 Q. What is it?

18 A. It's a collection maintained by
19 West Point, I believe, of various materials related
20 to terrorism. Most recently it had materials up
21 that relate to the January 6th insurrection, for
22 example; and also contains collections of material
23 found in situ over time relating to al-Qaeda and
24 other terrorist groups.

25 Q. So do you know where they came from?

1 A. Pardon?

2 MR. HAEFELE: Object to the form.

3 Q. (BY MR. MOHAMMEDI) Where did they come
4 from?

5 A. Some of the material came from --
6 material -- from my understanding, came from
7 material captured by American troops and that kind
8 of thing, in the field.

9 It -- I believe it contains some kind of
10 legend because it's just stuff that's been captured
11 that you can't rely on it because it's not
12 systematic. It's just stuff. It's the legend. And
13 that's what it is.

14 Q. Okay. Did you consider documents in the
15 database in rendering your opinion?

16 A. Well, I didn't rely on anything in that
17 database. I looked at it, and it said it was a
18 collection of stuff. And I tried searching it. It
19 wasn't really searchable in a very easy way. And
20 the stuff that I found was involved -- it was
21 purchases of sheep. A recipe of some kind for some
22 kind of treatments for a woman's illness, that kind
23 of thing.

24 And so it became clear to me it wasn't an
25 efficient use of my time and wasn't going to lead me

1 anywhere in particular, and so at that point I
2 stopped. It does have a good -- it does have a good
3 study on the January 6th insurrection. That was of
4 value.

5 Q. And letter from lawyers that hired you
6 and other plaintiffs' lawyers about the production,
7 you cite them. Do you consider them primary
8 sources?

9 A. I'm sorry, what material?

10 Q. You cited to lawyers' letters in your
11 report. Right? Your -- the lawyers who hired you,
12 the defense lawyers, you cite them in your report.
13 Do you consider this primary sources?

14 MR. HAEFELE: Objection to the form.

15 A. For the communications that took place,
16 the documents, the history between -- on the
17 discovery requests, for that purpose, it's a primary
18 source; it's a limited use and it's a very limited
19 issue covered by that letter.

20 Q. (BY MR. MOHAMMEDI) Okay.

21 A. I don't have a better source for it. The
22 only way I have a better source for it would have
23 been if I had been present for the communications.

24 Q. Did you ask the lawyers to provide you
25 with other documentation related to that matter?

1 A. I don't recollect.

2 Q. Okay. So -- strike that.

3 How many times did you -- how much time
4 did you spend reviewing the Harmony database?

5 A. Not a lot. As I said, the legend on it
6 cautioned me on. I tested the legend by looking at
7 a couple of things to see if it was going to be of
8 any value. Found it wasn't any value for that
9 purpose and didn't spend more time on it. I had a
10 very limited amount of time between December and
11 when I turned the report in, and didn't spend much
12 time on it.

13 Q. So it is your testimony you didn't find
14 any evidentiary value in those documents, that's why
15 you stopped looking at them?

16 A. That's correct, I did not.

17 Q. Does the CRA have any agency -- in your
18 report, you went through the details. And I'm not
19 going to go through the details now, but I just
20 wanted to for the purposes of your methodology, did
21 you consider the adverse reporting in that case part
22 of -- as a primary source?

23 A. I don't understand what you --

24 Q. Okay. So just to be very quick, the
25 Canadian report, the CRA report, listed adverse

1 terrorist groups.

2 Do you see that?

3 A. Yes.

4 Q. At the time of its formation, 1988, was
5 al-Qaeda designated by U.S. government?

6 A. United States didn't know about al-Qaeda
7 in 1988.

8 Q. Was al-Qaeda designated in 1988? When
9 was al-Qaeda designated?

10 A. I believe 1998. That's my memory.

11 Q. Okay. Turn to exhibit -- and this is
12 for -- it's our Exhibit 11. I can't remember where
13 we are now.

14 (Winer Deposition Exhibit 908,
15 Letters From Bin Laden, Date: 12
16 April 1994 to 7 May 1998, was marked
17 for identification.)

18 Q. (BY MR. MOHAMMEDI) Is a document titled
19 Letters From Bin Laden. Do you see that, Mr. Winer?

20 A. Yes.

21 Q. And its date is April 12, 1994 to May 7,
22 1998. Do you see that?

23 A. Yes.

24 Q. Do you know what this document -- do you
25 know where this document comes from?

1 A. No.

2 Q. Okay. This document came from the
3 Harmony database.

4 A. Oh, good. Uh-huh.

5 Q. If you go to page 53 -- 51-53 of the PDF.

6 A. Okay.

7 Q. And go with starting with page 51.

8 Just trying to see where it starts.

9 Besides -- can you go -- can you go to page 52
10 again? I'm sorry, that's page 52. Sorry about
11 that.

12 Do you see that? It says: Beside the
13 regime's political and ideological blockade, it also
14 exercised a harsh economic and financial (policy) as
15 well. Part of this blockade was dissolving
16 charitable organizations that used to deliver
17 donations from citizens to the many needy people
18 inside and outside the country. It replaced them
19 with organizations and foundations subservient to
20 royal family members and particularly Prince Salman.

21 Do you see that?

22 A. Yes.

23 Q. And then at page 52-53 -- at section
24 52-3, which is bottom of 52, top of 53.

25 He goes on to say: The reason behind

1 this procedure does not encourage good deeds, as the
2 regime claims, but rather the following: Prevents
3 these funds from being delivered to areas where they
4 could be used to serve Islam and Muslims following
5 the principle "do not spend on those who are with
6 the messenger of Allah till they desist."

7 Do you see that?"

8 A. Yes.

9 Q. And then he goes on page 53, paragraph 3:
10 Based on what was stated, we, at the reform and
11 advice foundation, while celebrating this blessed
12 month as a month of giving for Allah's sake, wish to
13 draw the attention of all donors to the danger of
14 donating funds or zakat to these foundations and
15 organizations. The regime is using them against God
16 and his messenger. We are asking the donors to
17 provide these funds directly to the needy, whether,
18 inside or outside the country. They could not --
19 they could also provide it to those trusted
20 individuals who will deliver them. It is known that
21 the Saudi leaders cannot be trusted. There are
22 other safe ways you can assist in delivering funds
23 to those who deserve them. Among them are
24 benevolence foundations in Qatar, Kuwait, Jordan,
25 Yemen, Sudan, and others. To assure that funds

1 transfer to these foundations' bank accounts, we
2 draw your attention to the importance of
3 transferring these funds outside the Saudi peninsula
4 away of the pursuing regime's spies.

5 That's correct, right?

6 MR. HAEFELE: Objection to form.

7 A. If I could just -- where is the date of
8 this, please?

9 Q. (BY MR. MOHAMMEDI) Okay. So this is --
10 if you go up, you see what I mentioned, it's date
11 from -- so statement No. 13 is February 12, 1995.

12 A. Right. Okay.

13 Q. Okay? And then on August -- actually,
14 then on August 3rd, 1995, at page 85 of the PDF, he
15 also goes on to say: Thanks to Allah and prayers
16 and mercy upon the messenger of Allah and those that
17 were rightly guided by his guidance. It is no
18 longer hidden that the Saudi regime persistently
19 sought to block all the abilities and capabilities
20 of the ummah by placing control over it. But the
21 regime was not satisfied with its unjust policies;
22 it had to go further by imposing control on the
23 minds and the politics of the nation.

24 Moreover, the regime sought to impose
25 economic control. This resulted in the closure of

1 charitable organizations that delivered the
2 contributions of the benefactors from this country
3 to its deserving lawful owners. The regime replaced
4 these charitable organizations with associations and
5 organizations that were supervised by members of the
6 ruling family, such as Prince Sultan and Prince
7 Salman. This revealed a scheme by which they
8 monopolized the charitable contributions in such a
9 way that it prevented Islam and the Muslims from
10 benefitting from them. The regime used the
11 contributions the same way it used the money of the
12 Afghani mujahidin. That money was used to pressure
13 the mujahidin and influence their policies in a way
14 that would benefit the interests of the West.
15 Sometimes these contributions were used for the
16 private interests of the Princes.

17 Now, if you go to page 88, and I'm
18 reading this to you. To 89.

19 Again, and he said: We are drawing their
20 attention to the risk of forwarding those
21 contributions through the ruling regimes and its
22 organizations. We are advising them to deliver
23 their contributions directly to the people or
24 through safe hands of the individuals,
25 organizations, and societies that are trusted, such

1 as the charitable societies in Qatar, Kuwait, Sudan,
2 Yemen, and Jordan. We are advising them to be
3 careful that their contributions stay far from the
4 pursuit of the servant of the two holy mosques and
5 his agents, and to make sure that the money will
6 reach the people it is intended for.

7 Are these recipes?

8 MR. HAEFELE: Objection to form.

9 Q. (BY MR. MOHAMMEDI) Just because they
10 come from the Harmony database. You agree with me
11 these are not recipes, right?

12 MR. HAEFELE: Objection to form.

13 A. I made no representation that all the
14 materials in the Harmony database were recipes.

15 Q. (BY MR. MOHAMMEDI) Okay. Now, so
16 let's -- let's -- those were made in 1995.

17 A. Yes.

18 Q. And as of the time they were made, it
19 shows, like you said, the safe contemporaneous that
20 were made that those Harmony database were found
21 this is what Bin Laden's; correct?

22 MR. HAEFELE: Objection to form,
23 foundation.

24 A. I can't say what the original source was
25 for this document.

1 4:18 p.m.

2 Q. (BY MR. MOHAMMEDI) Mr. Winer, are you
3 aware of any person who attended madrassas, as you
4 mentioned from WAMY, WAMY madrassas, that became a
5 member of al-Qaeda?

6 A. I don't know who attended WAMY madrassas
7 and who did not.

8 Q. But you are not aware of anyone who was
9 at the madrassas that became a member of al-Qaeda?

10 A. I do not know what madrassas incubated
11 which fighters and which terrorists, period.

12 Q. Okay. So the question you are not aware
13 of anyone who attended madrassas, it doesn't matter
14 which type of madrassas, that became a member of
15 al-Qaeda.

16 A. I know that there are people who became
17 members of al-Qaeda who attended madrassas.

18 Q. What about WAMY?

19 A. I don't know which madrassas they
20 attended, whether they were related to WAMY or any
21 other organization that sponsored a madrassas.

22 Q. So as you sit here, you don't "know"
23 know; correct?

24 A. That's correct.

25 Q. Let's go to your report, Section 12,

1 which starts with page 104-110.

2 In your affirmative report, you refer to
3 Adel Batterjee as chairman of WAMY and global
4 chairman of WAMY. Do you remember that?

5 A. Yes.

6 Q. At that time you did not review WAMY
7 documents; correct?

8 A. I had reviewed some WAMY documents. I
9 relied on his identification of himself as that role
10 to the New York Times. That's not correct. I
11 corrected it in my rebuttal report.

12 Q. And you corrected that in your rebuttal
13 report; correct?

14 A. I did.

15 Q. Okay. But then you mentioned in your
16 rebuttal which is 2.38.6, at page 31, if you look at
17 it, and you refer to Batterjee was the chairman of
18 LBI; correct?

19 A. Yes.

20 Q. Where do you get that information from?

21 A. His function and the role in the field at
22 LBI. I don't have a footnote there. I don't
23 recollect the source but I believe it to be
24 accurate.

25 Q. I'm sorry, what do you say? You believe

1 Q. Okay. I'm also going to include to have
2 an exhibit, which is 25, ours. Where are we? Which
3 number are we at?

4 (Winer Deposition Exhibit 916,
5 5-11-1993 letter to Salman bin
6 Abdulaziz, was marked for
7 identification.)

8 Q. (BY MR. MOHAMMEDI) This is a letter from
9 Dr. Al-Juhani, who was the head of Muslim -- the
10 World Assembly of Muslim Youth.

11 A. Yes.

12 Q. Have you seen this document before? You
13 can show the English version of it.

14 A. Yes. Thank you.

15 O. And it's dated May 11, 1993; correct?

16 A. Yes, that's the date of it, if you'll
17 give me a minute, please.

18 Q. Have you seen this document before?

19 A. I need to read it to remember whether
20 I've seen it before or not.

21 O. Sure. Just the highlighted sections.

22 A. Yeah, I've not read this document before.

23 Q. Do you have any reason to question the --

24 this document?

25 A. No.

1 Q. It's a primary source; correct?

2 A. Yes.

3 Q. And it's dated May 11, 1993; correct?

4 A. Yes.

5 MR. MOHAMMEDI: Can we get

6 Exhibit 27?

7 (Winer Deposition Exhibit 917,
8 6-14-1996 Minutes of Islamic
9 Benevolence Committee dissolution and
10 merging with World Assembly of Muslim
11 Youth, was marked for
12 identification.)

13 Q. (BY MR. MOHAMMEDI) As of May 28, 1996,
14 LBI merged with WAMY; correct?

15 A. Yes. I am familiar with this.

16 Q. You are familiar with this one, right?
17 MR. HAEFELE: Omar, just so we're
18 keeping consistent with the markings here,
19 this is already Noor Wali Exhibit 267, I
20 think.

21 MR. MOHAMMEDI: Okay, yeah. That's
22 fine. Yes. Thank you, Robert.

23 A. I do not remember whether I saw this
24 document or not. I think I did, but I'm not
25 positive, but I'm certainly familiar with the action

1 relationship to its merger into WAMY.

2 Q. Okay.

3 A. I knew that that happened, and consistent
4 with the timing that you have provided me.

5 Q. Are you aware of all asset of LBI, what
6 happened to them after the dissolution?

7 A. No.

8 MR. MOHAMMEDI: Can we get

9 Exhibit 29?

10 (Winer Deposition Exhibit 918,
11 8-18-1997 letter to Your Eminence the
12 Secretary General of the World
13 Assembly of Islamic Youth, was marked
14 for identification.)

15 (Discussion off the record.)

16 MR. MOHAMMEDI: Can we go to the
17 English translation?

18 Sorry, I'm just having a hard time
19 seeing the whole document.

20 Q. (BY MR. MOHAMMEDI) The dates -- can you
21 repeat the dates for us, Mr. Winer, of this
22 document?

23 A. Sure. The English language dates are
24 August 18, 1997, is the date at the top. And then
25 it refers to some other documents in 1997 and 1996.

1 International was founded in 1987 and alleged in a
2 federal indictment to have supported al-Qaeda for
3 more than a decade, as the successor to the Saudi
4 charity LBI, which then merged into WAMY.

5 Correct?

6 A. That's what it says. That's right.

7 Q. Then you reference to Benevolence
8 International, headquarters in Sarajevo. Were you
9 aware that any documents found in that raid that
10 was -- you cannot -- you cannot claim that there
11 were LBI documents in that raid; correct?

12 MR. HAEFELE: Objection, form.

13 Q. (BY MR. MOHAMMEDI) Sorry, that was
14 poorly phrased. Let me go back.

15 In your testimony, you mentioned in your
16 report, you refer to raids by Benevolent
17 International headquarters in Sarajevo; correct?

18 A. That's correct.

19 Q. Are you aware of any documents found in
20 that raid that was LBI document?

21 A. The documents refer -- my -- my memory
22 and understanding of this is that the documents
23 refer to Batterjee and Benevolence, but I don't
24 recollect whether it was to LBI, BIF, related to
25 benevolence activities in Sarajevo. That's my

1 memory. That's what I wrote, and that's what I
2 believe to be happening.

3 If you have other information to add to
4 that, I'm certainly happy to look at it. The word
5 as I mentioned al-Barr, A-L-B-A-R-R is benevolence.
6 That's the name of both entities, as was referenced
7 in the documents you showed me earlier about the
8 possibility for confusion.

9 Q. So is it fair to say that one is called
10 Islamic Benevolent Committee, and the other is
11 Benevolent International, based on the documents I
12 showed you?

13 A. Yeah, the word "benevolence" is in both.

14 Q. Okay. What is your basis that BIF was
15 founded in 1987?

16 A. I believe the reference should be LBI.

17 Q. Okay.

18 A. I believe I corrected it, or if I didn't
19 correct it, I certainly intended to.

20 Q. Is an indictment evidence?

21 A. An indictment lays out the U.S. -- lays
22 out a case being brought by the indicting -- by the
23 prosecutors. It's typically -- now, it's a --
24 always in the case of the U.S. government case,
25 based on some evidence. The amount of evidence is

1 Q. If you go to page 3. And it's
2 highlighted.

3 You reviewed this document; correct?
4 Before you rendered your opinion?

5 A. Yes.

6 Q. Why do you rely on rejected proffer?
7 A. Because the basis for the rejection is
8 based on the hearsay rules that were applicable for
9 a criminal case as found by a particular judge,
10 which prevented, as I understand the case,
11 additional sufficient evidence from the judge's
12 point of view to have co-conspirators. And so the
13 exclusion --

14 Q. And --

15 A. Please allow me to finish.

16 Q. Sorry, sorry. Go ahead. I thought you
17 finished.

18 A. I was not finished.

19 Q. No, sorry. Go ahead.

20 A. Thank you.

21 So as I understand the case, the judge's
22 ruling in relationship to the issue of hearsay
23 prevented information coming in regarding the other
24 co-conspirators, which thus caused an elimination
25 for a substantial portion of the case.

1 al-Qaeda.

2 Q. Where is it in the CRA report that this
3 finding was made?

4 A. I would have to go back to the CRA report
5 to tell you.

6 I can't tell you out of my memory where
7 it said that. I believe that summarizes what they
8 found.

9 Q. So if you go to page --

10 A. In paragraph 10.3.4, I quote what CRA
11 found.

12 Q. Okay. So if you go to -- let me just
13 look at it.

14 Page 1 of the CRA report at exhibit --
15 page 1. The CRA report. That's where we entered.
16 I can't remember the exhibit number now.

17 TRIAL TECHNICIAN: Was it the last
18 exhibit entered?

19 MR. MOHAMMEDI: 925.

20 Q. (BY MR. MOHAMMEDI) So in page 1 of the
21 report, WAMY Canada parent organization located in
22 Saudi has been alleged to support terrorist.

23 Does it say that? It says that, correct?

24 A. Yes.

25 Q. Okay. So your statement -- do you -- is

1 it fair to say your statement on CRA report on WAMY
2 is not correct?

3 A. I would have to take a look at the rest
4 of the report. There is a difference between the
5 word assessed and which has been alleged, and I
6 think we have to look at the whole report in order
7 to fully address that issue, and not just this
8 paragraph.

9 Q. Okay. Do you agree -- do you know that
10 in Exhibit 45, if you go to exhibit that were just
11 entered now. Right.

12 At page 4, can you read that, which is
13 highlighted? That's what off of the -- that's the
14 information, the content of the CRA report.

15 Can you read that?

16 It says United States District Court For
17 the District of Columbia lawsuit filed by victims
18 families of 9/11.

19 Do you see that?

20 A. Yes.

21 Q. Are you aware the CRA considered an
22 allegation made by the lawyers who hired you?

23 MR. HAEFELE: Objection to form.

24 A. They considered everything that they
25 listed, which was --

1 Q. (BY MR. MOHAMMEDI) The lawyers that
2 hired you, those allegations, correct? They're
3 still allegations.

4 MR. HAEFELE: Objection to form.

5 A. That's correct.

6 Q. (BY MR. MOHAMMEDI) In 10.3.1, page 68,
7 again, you say that CRA audit found massive
8 deficiencies. Do you see that?

9 A. Yes.

10 Q. Are you an auditor?

11 A. No, I am not an auditor, I'm an attorney.

12 Q. Are you a CPA?

13 MR. HAEFELE: Objection, asked and
14 answered.

15 A. You asked me this question earlier. I
16 previously have responded to that question to tell
17 you that I am not a certified public accountant.

18 Q. (BY MR. MOHAMMEDI) So what qualification
19 do you have to render this opinion?

20 MR. HAEFELE: Objection.

21 A. I have laid out my qualifications
22 previously in this deposition. I'm going to respond
23 to your current question at some length since the
24 question is a very broad question.

25 I first began dealing with bank

1 relevant to interpreting a financial report. In
2 fact, essential. Particularly in a field where
3 there is assistance being provided in a conflict
4 zone, for example.

5 So it's of great relevance and
6 importance. The fact that an audit report -- an
7 audit has not been undertaken, its significance is
8 going to be different in different circumstances.
9 In the circumstances of this case, it's very
10 important.

11 Q. Is a not-for-profit organization
12 obligated to issue a report?

13 A. It depends on the laws of the country in
14 which it's operating, and the laws of the country in
15 which it's charted, what's it required to do.

16 Q. And are you an expert on financial
17 aspects of income in Saudi Arabia? On the standard?

18 A. It depends what question you're asking.
19 I am very familiar with the lack of controls in
20 accounting, auditing -- please let me answer your
21 question -- and money laundering controls that were
22 in place at the time that I did my investigations of
23 BCCI in the senate. I was also familiar with the
24 lack of accountability in the Kingdom of Saudi
25 Arabia as of the time I left the Department of State

1 in the late 1990s.

2 I've had recent experience in connection
3 with certain matters associated with Saudi Arabia
4 which lead me to believe that the standards have
5 changed substantially over the last 20 years, but I
6 did have representations made in the amount of
7 standards back then, and they were not standards the
8 United States government was happy about.

9 Q. (BY MR. MOHAMMEDI) Are you an expert in
10 countries implementing the international standards
11 in their own countries? Are you an expert in the
12 field?

13 A. That's what I was retained to provide
14 analysis and assistance on to the United States
15 government from 2000 through 2008 in the area of
16 money laundering, terrorist finance, and corruption,
17 vulnerability; both vulnerability, the systems to
18 combat it, the nature of the threat, and how we
19 might evaluate the effectiveness of the system
20 against the threat.

21 So where I was asked to look at that set
22 of issues in an integrated fashion for, as mentioned
23 in one of my statements, for a very large number of
24 countries around the world, including essentially
25 every country, if not every country in the Middle

1 The auditor is not saying that. You are
2 saying that.

3 MR. HAEFELE: Objection to form.

4 Watch your tone, please.

5 A. Is that a question, sir?

6 Q. (BY MR. MOHAMMEDI) The question, do you
7 have any evidence that food, tents, clothes went to
8 al-Qaeda instead of the needy?

9 A. This report does not allow one to know
10 what the material -- what the goods went to or even
11 if the goods that went there were as represented in
12 the report.

13 Q. And what is in your report is an
14 assumption; correct?

15 A. I couldn't understand your last --

16 Q. What's in your report is assumption.

17 You're assuming. You don't have evidence
18 to show.

19 A. I disagree with your characterization of
20 my report and of the testimony I've given.

21 Q. Okay. In your rebuttal Section 2.17.5,
22 page 14, from 1998 to 1994, Pakistan audit. You're
23 referring to that.

24 You went on and explained the categories
25 are student welfare. That is a red flag; right?

1 For supporting terrorists. Is that correct?

2 A. It's a red flag for the kind of slush
3 fund category that would enable a charity operating
4 in an area of conflict to provide support for a
5 terrorist group because it's providing support for
6 young men in an area of conflict that is foreign to
7 them. In other words, you had foreign fighters in
8 this period of time in Pakistan and Afghanistan,
9 foreign meaning they're not Pakistani and they're
10 not Afghani, and there's money being provided for
11 them for student welfare. So it's a slush fund.
12 And there are no controls. There's a complete lack
13 of controls. There's no evidence of any controls on
14 the actual uses. And that's what I'm -- my
15 statement is essentially saying.

16 Q. Do you know which is the objective of
17 WAMY?

18 Do you know the name itself, what it
19 means? The World Assembly of Muslin Youth?

20 MR. HAEFELE: Object to form.

21 Q. (BY MR. MOHAMMEDI) Do you know the
22 objective of providing student with funds to educate
23 them?

24 A. Yes, I'm -- but what -- it's more
25 difficult for me to know what's being done when the

1 people to whom the funds are being provided are in
2 an active area of conflict or in an area that is
3 over -- has got a substantial number of terrorist
4 training camps and a terrorist presence in it.

5 Q. And that's --

6 A. And the issue --

7 Let me finish my answer, please, sir.

8 Q. Go ahead.

9 A. Thank you.

10 So the issue is the location of where the
11 activity is, and the fact that this category of
12 funding is different from the kinds of categories of
13 funding audits show for areas that were not in
14 conflict. You don't -- I didn't see these
15 categories in the other -- in the audits you
16 provided to me, and were provided to me, for WAMY,
17 in areas that were not conflict zones, that were
18 less susceptible to terrorist risk.

19 The fact that these categories appear in
20 these audits in this location at this time is of
21 concern and fits precisely within the
22 vulnerabilities that have been -- that have been
23 evident for years, and which reflect the 1996
24 findings of the CIA in the 1966 report -- pardon me,
25 the 1996 report in Bosnia.

1 So it's not merely that this is a
2 category of potential substantial risk and abuse,
3 it's also that this category was not present --

4 Q. Okay. And --

5 A. -- in the audits that took place after
6 9/11, in areas that were not conflict areas.

7 Q. So your testimony, because it's in an
8 conflict zone that then it should be used to support
9 terrorism; correct?

10 A. That's not a correct statement of my
11 views or --

12 Q. You said that exactly. You said because
13 of a place of conflict. That's exactly what you
14 said. Correct?

15 MR. HAEFELE: Objection,
16 argumentative.

17 A. It is not exactly what I said.

18 Q. (BY MR. MOHAMMEDI) Okay. Let me -- so
19 is it fair to say --

20 A. That's not what I said at all.

21 Q. Okay. So is it fair to say place of
22 conflict and the places where there is a war, where
23 there are refugees, place of, that's exactly -- we
24 can assume that where you have the students' welfare
25 being used to help the population that is affected

1 by the war; correct?

2 A. That's partially true. There's going to
3 be refugees in many areas that are affected by war
4 and conflict. The issue is that in this area they
5 were foreign fighters. And so it made it
6 particularly vulnerable. And when you have an area
7 that's particularly vulnerable to abuse because of
8 the overall conditions, it's a good idea to put more
9 controls in place. And rather than having more
10 controls in place, what you have instead is this
11 kind of slush fund category, that you don't see
12 elsewhere. And this was precisely the period of
13 time when al-Qaeda was preparing using foreign
14 fighters who had been in conflict zones to send them
15 to the United States and had them in training camps.

16 Q. As you sit here, you have no facts to
17 show that; correct?

18 MR. HAEFELE: Objection.

19 A. I disagree with your assertion.

20 Q. (BY MR. MOHAMMEDI) And the facts are in
21 your report; correct?

22 MR. HAEFELE: Objection to form.

23 A. There are facts in my report which
24 references additional reports. There was
25 paramilitary support by charities for combatants in

1 the countries that were going through religious war
2 or wars involving Muslims and non-Muslims.

3 And --

4 Q. (BY MR. MOHAMMEDI) Mr. Winer --

5 A. Okay.

6 Q. Mr. Winer, why do you always refer to
7 this matter of conflict as a religious war, Muslims
8 versus non-Muslims. Do you know?

9 MR. HAEFELE: Objection to form --
10 wait. Objection to form, objection he cut the
11 witness off, and objection to the
12 argumentative nature of your constant barrage
13 with the witness.

14 A. I'm responding to your questions with
15 answers that reflect my understanding of how
16 al-Qaeda built its global strike capability over a
17 period from the late 1980s through the late 1990s in
18 preparation for 2001. And this is how it did it.
19 And I have described that over the course of my
20 testimony and over the course of my reports, and
21 I've referenced a great deal of material in both.

22 Q. (BY MR. MOHAMMEDI) I just for the
23 record, I, for the seven hours that I have been
24 asking you questions about this matter, you have not
25 provided one single fact related to your statements

1 about money being used to support al-Qaeda.

2 MR. HAEFELE: Objection, and

3 that's --

4 MR. MOHAMMEDI: -- before this.

5 MR. HAEFELE: Objection to the
6 dialogue. There is no question there.

7 Objection to your characterization --

8 MR. MOHAMMEDI: Is that correct? Is

9 that correct?

10 A. No, it's not correct. And the facts are
11 set forth in my report and in the documents
12 referenced in my report.

13 Q. (BY MR. MOHAMMEDI) Okay.

14 A. And I do provide specific examples in the
15 report. You've chosen not to ask questions about
16 them.

17 Q. I did ask a lot of questions about them,
18 but you don't have the facts. There is no facts in
19 your report, and I'm asking you to show me the facts
20 in this deposition; correct?

21 A. Am I invited to go through the elements
22 of my report that I would like to talk about?

23 Q. I have given you all the chances to do
24 that.

25 Sir, let me --

6 I DO FURTHER CERTIFY that the foregoing is a
7 verbatim transcript of the testimony as taken
8 stenographically by and before me at the time, place
and on the date hereinbefore set forth, to the best
of my ability.

9 I DO FURTHER CERTIFY that pursuant to FRCP
10 Rule 30, signature of the witness was not requested
by the witness or other party before the conclusion
of the deposition.

11

I DO FURTHER CERTIFY that I am neither a
relative nor employee nor attorney nor counsel of
any of the parties to this action, and that I am
neither a relative nor employee of such attorney or
counsel, and that I am not financially interested in
the
action.

15

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19

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Dated: 8-3-2021

23

24

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 IN RE: TERRORIST ATTACKS) 03-MDL-1570 (GBD) (SN)
4 ON SEPTEMBER 11, 2001)
5)
6
7

8 — — —

9
10 Wednesday, July 14, 2021
11 — — —

12 THIS TRANSCRIPT CONTAINS
13 CONFIDENTIAL MATERIAL
14 — — —

15 Remote video-recorded deposition of JONATHAN M.
16 WINER, VOLUME II, held at the location of the
17 witness, commencing at 9:36 a.m., on the above date,
18 before Debra A. Dibble, Certified Court Reporter,
19 Registered Diplomate Reporter, Certified Realtime
20 Captioner, Certified Realtime Reporter and Notary
21 Public.

22
23

24 — — —

25

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1 A. No, that's a misreading of that
2 statement. You misunderstood it.

3 Q. (BY MR. LEWIS) I just asked you the
4 question. Okay. You said that they've -- that
5 they -- that there was a lack of completeness to the
6 report. Was that because of a -- of -- what is your
7 explanation as to why they lacked completeness in
8 their report?

9 MR. HAEFELE: Objection to the form.

10 Misstates the evidence.

11 A. As I testified yesterday, and I'll
12 respond to your question with an explanation again
13 of exactly what I'm meaning in this paragraph. The
14 9/11 commission did not make findings in all areas
15 of information it had and was available to it.

In some cases it makes references to things generically than things specifically. This should not be surprising. And it should not be surprising because of the diplomatic sensitivities between the United States and Saudi Arabia, and in particular, the ongoing work that took place throughout the '00s, by the United States government to try to get controls on it. And the Saudi Arabian government to put greater controls on WAMY, the Muslim World League, and the IIRO; which there is an

1 extensive record of evidence by the United States to
2 do that and an expression of that concern that goes
3 on for many years after 9/11.

4 If you read carefully what the 9/11
5 Commission said, I'm not talking about the lack of
6 completeness of their work, I'm talking about the
7 lack of completeness of their identifications of all
8 the charities they're concerned about.

9 If you read the paragraph carefully, the
10 second sentence makes this clear. The 9/11
11 Commission did not identify all of the charities or
12 charity officials that funneled money and other
13 support to al-Qaeda. Instead, it identified a few
14 examples of the charities involved in supporting
15 al-Qaeda using the phrase "such as," which referred
16 to al Haram, rather than providing assessments about
17 each charity, about which it had evidence.

18 And so the rest of my -- the rest of my
19 sentence refers to the decision made by the 9/11
20 Commission not to provide the specifics it found on
21 WAMY, on IIRO, on Muslim World League. There are no
22 chapters of that report, that commission report,
23 whether the terrorist finance monograph by the
24 staff, which laid out all of the information the
25 government had on those charities, and explained why

1 the government had ongoing concerns about it.

2 This is not a mistake. It's not an
3 innocent gap. It's a matter of intention, in my
4 opinion. And the intention relates to trying to
5 manage this threat in the context of the overall
6 U.S.-Saudi relationship.

7 Q. (BY MR. LEWIS) Who on the 9/11
8 Commission told you that that was the intent of the
9 9/11 Commission?

10 A. That's my reading of all of the
11 information available to me. No one at the 9/11
12 Commission stated that to me.

13 Q. So you -- that's pure speculation on your
14 part; correct?

15 MR. HAEFELE: Objection to form.

16 A. No, it's not speculation on my part.
17 That's what I believe this means. I don't know of
18 any other large international charities operating
19 out of Saudi Arabia that are the three major
20 multinational charities about which the
21 United States government has expressed concerns,
22 many, many times over many, many years.

23 Q. (BY MR. LEWIS) The 9/11 --

24 A. Their absence from being identified in
25 this context when al-Haramain was, for me is

1 plots, and you cite at footnote 153, a New York
2 Times article, "Pakistan Denies Role in Plotting
3 Bombings in India." And you state, quite
4 forthrightly, that the article itself, when you
5 refer to it, doesn't say anything about Syed Abu
6 Nasir; correct?

7 A. There are two footnotes. There is a
8 footnote relating to him, and then there is a
9 separate footnote relating to the terrorist plots to
10 bomb the American consulates. I would have to go
11 back to each of them to determine what they covered.

12 Q. Okay. Your -- but you've reviewed the
13 New York Times article that you cite at footnote
14 153, and you agree that at least the version that
15 the New York Times maintains doesn't mention a Syed
16 Abu Nasir; correct?

17 A. I have not reviewed it in the last few
18 days. I'd have to go look at it.

19 Q. Well, you say: I find this information
20 plausible, but I do not know the sources of
21 Emerson's information; the electronically maintained
22 cites provided in his testimony from the New York
23 Times do not cover the Nasir-Al-Gamdin --

24 A. Now I know what you're talking about,
25 sure. Right, I went and looked for it.

1 Q. And you didn't find it, did you?

2 A. No.

3 Q. I didn't either.

4 And then you quote Senate testimony from
5 Steven Emerson. And Emerson says that Nasir started
6 with IIRO in Thailand and then was sent to Lahore in
7 1994. And you say, again, quite forthrightly: I do
8 not know the sources of Emerson's information.

9 A. That's right. When I looked at it, I
10 wanted to see what the basis was, and didn't find
11 it.

12 Q. Do you know Steven Emerson?

13 A. Yes. I don't know him well, but I know
14 who he is.

15 Q. Are you aware, sir, that there was no
16 IIRO office in Lahore, Pakistan in 1994 or any other
17 time?

18 MR. HAEFFELE: Objection to form.

19 A. I don't know whether there was or was
20 not.

21 Q. (BY MR. LEWIS) Do you have any
22 information about whether IIRO was sponsoring any
23 training that this Mr. Nasir may have received?

24 A. I provided the basis for the information
25 that I have in this footnote.

1 Q. Right. The newspaper article that
2 doesn't have it and then Steven Emerson.

3 You are aware that the Prime Minister of
4 the United Kingdom called Steven Emerson a complete
5 idiot for saying that Birmingham was a no-go -- a
6 no-go zone because of Muslims.

7 Are you aware of his making that
8 statement?

9 A. No, actually I'm not.

10 Q. Okay. Let's -- do you want to look at an
11 article and see -- let's look at document N as in
12 nervous, which is 942.

13 (Winer Deposition Exhibit 942, Fox
14 News man is 'idiot' for Birmingham
15 Muslim comments - David Cameron, was
16 marked for identification.)

17 Q. (BY MR. LEWIS) Do you see the article,
18 sir?

19 A. Yes.

20 Q. And do you see David Cameron? Do you
21 remember he was the Prime Minister of the
22 United Kingdom in or around 2015, and he's
23 responding to Steven Emerson saying: In Britain,
24 it's not just no-go zones. There are actual cities
25 like Birmingham that are totally Muslim, where

1 non-Muslims just simply don't go in. In parts of
2 London, there are actually Muslim religious police
3 who actually beat and actually wound seriously
4 anyone who doesn't dress according to religious
5 Muslim attire.

6 This is an article published by Fox. It
7 looks like it's published in The Guardian. Does
8 that kind of commentary concern you about the
9 neutrality or independence of somebody like Steven
10 Emerson?

11 MR. HAEFELE: Objection, form.

12 A. I use Mr. Emerson's work with care. The
13 reason why you have this lengthy footnote is because
14 I was not able to corroborate further.

15 In other areas where he's cited
16 particular religious materials, for example, I've
17 tried to go back and see whether those materials
18 were accurately cited. So I'm aware that
19 Mr. Emerson's views were developed over a long time,
20 and have included instances such as this, where he
21 has overstepped. This is not the only one. There's
22 a second one having to do with the Oklahoma bombing,
23 which I'm well aware.

24 Q. (BY MR. LEWIS) Right. That's the one
25 where he said that the Oklahoma City bombing attack

1 had a Middle Eastern trait because it was carried
2 out with the intent to inflict as many casualties as
3 possible, he told CBS News. Oklahoma City I can
4 tell you is probably considered one of the largest
5 sectors of Islamic radical activity outside of the
6 Middle East.

7 Is that what you were referring to, sir?

8 A. Yes.

9 Q. And, in fact, the Oklahoma City bombing
10 was not carried out by Muslims, was it?

11 A. It was not.

12 Q. And doesn't these statements taken
13 together -- does that not present to you the
14 portrait of an anti-Muslim bigot?

15 MR. HAEFELE: Object to the form.

16 A. I think that people at various times will
17 make -- do make statements that they shouldn't make,
18 And Mr. Emerson on both of these occasions has made
19 statements that he should not have made, on Oklahoma
20 City and on Birmingham.

21 Q. (BY MR. LEWIS) Do you think inflicting
22 as many casualties as possible with a bomb is a
23 Muslim trait?

24 MR. HAEFELE: Object to the form.

25 A. A Muslim trait? No.

1 A. Yes.

2 Q. You also cite in your discussion of
3 Bosnia the testimony of Steven Emerson where he
4 cites a Serb news source as stating that a
5 Mr. Zaher, who was an IIRO person, in the view of
6 Serb officials, was responsible for oversight of the
7 logistics operation to provide Muslim militants with
8 weapons and ammunition. We've just discussed
9 Mr. Emerson. He also cites a Serbian website with
10 Serbs found an IIRO ID card on the body of a
11 guerilla in Bosnia. Would you find a Serbian
12 website reliable as objective information of fact?

13 MR. HAEFELE: Objection.

14 A. I would view it to be lead information.
15 It's part of -- it's a data point that you have to
16 look at in the context of everything else.

17 Q. (BY MR. LEWIS) Including Mr. Emerson?

18 A. I wouldn't use Mr. Emerson in connection
19 with the Oklahoma City bombing, if that's what you
20 mean.

21 Q. I see. You choose depending on whether
22 it -- I mean, do you think he has any special
23 expertise in Serbia, Mr. Emerson? Or in -- or is
24 his expertise in -- only in Islamophobia?

25 MR. HAEFELE: Objection to form.

1 A. I don't believe his expertise is only in
2 Islamophobia. I don't agree with that statement.

3 Q. (BY MR. LEWIS) Does he have expertise in
4 Serbia and Bosnia?

5 A. He has looked at terrorist activity over
6 a long period of time. Terrorist activity has
7 certain criteria and certain components that play
8 out on a global basis, certain things in common just
9 as money laundering does and other forms of
10 financial crime. So you see certain types of
11 constellations of activity that repeat themselves in
12 many areas.

13 As you have pointed out, Mr. Emerson made
14 a fundamental mistake in connection with his
15 assessment on Oklahoma City. I was in the
16 government at the time, and it struck me as
17 inappropriate at the time, and, of course, it was
18 untrue. I'm aware of it.

19 Q. Has Mr. Emerson studied terrorism by
20 non-Muslims to your knowledge?

21 A. I think he's looked essentially at the
22 Islamic terrorism phenomenon. There is -- it's a
23 particular phenomenon, from Dan Benjamin and Steve
24 Simon, wrote a book called The Age of Sacred Terror,
25 which is essentially on that phenomenon. It is a

1 Q. Did you get an audit from Nigeria?

2 A. I don't believe so.

3 Q. Did you get an audit from Sudan?

4 A. I don't believe so.

5 Q. Did you get an audit from Ethiopia?

6 A. I don't think so.

7 Q. Did you get an audit from Azerbaijan?

8 A. I don't believe so.

9 Q. Would those have been useful to you in
10 preparing your report?

11 MR. HAEFELE: Objection to the form.

12 A. I would like to see any and all audits
13 undertaken by IIRO branches for the period relevant
14 to the litigation.

15 Q. (BY MR. LEWIS) Okay. You discuss
16 financial and accounting deficiencies at Islamic
17 charities. You are aware, are you not, that
18 financial and accounting deficiencies are endemic in
19 charities, not just Islamic charities but charities
20 all over the world; correct?

21 A. It is a problem in various types of
22 charities, not all charities everywhere, but I've
23 been retained in connection with some, as I
24 testified earlier, domestic and some foreign.

25 Q. Let's take a look at your note 105. On

1 Gulf state officials, leaders.

2 Q. The UAE, as we all recall it.

3 Mr. Winer, you also referred to a British
4 study that estimated 2.3 billion pounds in losses at
5 charities due to fraud in 2016. So now we're
6 looking a decade later, those are still enormous
7 losses for the sector in the UK, are they not?

8 A. Yes, this is a risky sector, which
9 requires greater controls.

10 Q. Would you agree that if senior officials
11 of a charity are dedicated to stealing money, that
12 the controls don't matter?

13 MR. HAEFELE: Objection to form.

14 A. No, I don't agree with that.

15 What I agree with is that controls can
16 make a difference in how easy or how hard it is.
17 When we have red lights and we have speed cameras,
18 you're not going to stop all speeding. But you're
19 going to reduce -- you're going to make it harder to
20 do and easier to detect; and regulatory systems and
21 accounting controls and so on are designed to make
22 it harder to do and easier to detect when it
23 happens. And when you fail to have those controls
24 in place, the problem gets worse than when you do
25 have controls in place.

1 A. Nice to meet you, Ms. Pritsker.

2 Q. Are you all right to proceed or would you
3 like to take a break before I go into some of my
4 questions?

5 A. I'm fine. At some point if they go on
6 for a while, I might request a break, but I'm fine.

7 Q. Of course. It at any time in my
8 questioning if you feel the need for a break, please
9 feel free to ask for one, I just ask that you answer
10 any pending questions before you do so.

11 A. I understand.

12 Q. Mr. Winer, the only area that you are
13 claiming to be an expert for the purposes of this
14 case is international financial crime and terrorist
15 financing; is that right?

16 MR. HAEFELE: Objection to form.

17 A. My expertise -- I previously in my
18 testimony specified the questions that I was asked,
19 and that I felt that I have expertise to answer the
20 18 questions that I was asked.

21 Q. (BY MS. PRITSKER) Mr. Winer, can --
22 My apologies. Keep going.

23 A. They include terrorist -- they include --
24 it's actually not 18 questions, it's about 14 or 15
25 questions in 18 sections.

1 The first was al-Qaeda and its funding
2 needs before 9/11, the second was Saudi Arabia as a
3 source of funds for al-Qaeda and terrorism to 9/11.

4 The third was charities as a source of
5 funds for al-Qaeda terrorism from 9/11. And the
6 next was charities' impact in building al-Qaeda's
7 global strike capabilities. The next was the world
8 of training camps and building al-Qaeda
9 capabilities. The next is why charity records would
10 not show al-Qaeda's support. The next is
11 implications of financial and accounting
12 irregularities. The next was al-Qaeda's use of
13 charities for non-terrorist groups. The next was
14 the role of IIRO Muslim World League and WAMY
15 material support of al-Qaeda. The next was no
16 separation of purposes of funds used in material
17 support. Finally, there was purpose of the 13224
18 executive order designation program, the evidence
19 the U.S. needs to designate a person or entity OF
20 that program. The implications of nondesignation of
21 a person or entity under that program, the
22 implications of withdrawal of designation under that
23 program, and the implications of nondesignation and
24 withdrawal of the UN programs.

25 Those are the questions that I was asked

1 and on which I provided my expertise.

2 Q. Thank you, Mr. Winer. The list you just
3 provided, those are your opinions in this case.

4 What I'm asking is, what fields would you say that
5 you are an expert in for the purposes of this case?

6 A. I have expertise in transnational crime
7 and terrorist finance, and I also have expertise in
8 foreign policy with regard to U.S. relations with
9 many other countries and to geopolitical economic
10 and security issues associated with the United
11 States and its relations with many countries, having
12 spent many years at the State Department and Capitol
13 Hill. And this includes the Middle East.

14 So my expertise goes to financial issues,
15 and financial regulatory issues, it goes to national
16 security issues, and it goes to the specific subset
17 of issues relating to terrorists. I have particular
18 expertise in banking and banking regulation as well.

19 That's the general areas covered by the
20 questions I've been asked. My expertise extends
21 beyond that to some other areas that haven't come up
22 in this litigation, to the best of my knowledge.

23 Q. Based on your response, then, the full
24 list of fields in which you are relying upon your
25 expertise in this case includes transnational --

1 Q. (BY MS. PRITSKER) I'm going to restate
2 my question. Mr. Winer, can you please describe the
3 methodology that you applied in this case?

4 A. Yes.

5 MR. HAEFFELE: Objection, asked and
6 answered.

7 A. I was asked a series of questions. I was
8 just going through the questions that I was asked.
9 Because my methodology began with the questions. In
10 order to answer the questions, I looked at as much
11 of the material that was made available to me as I
12 could relating to this case. I looked at primary
13 source documents. I looked at books about this
14 matter. I looked at academic articles. I looked at
15 statements by the United Nations. I looked at
16 statements by treasury officials. I looked at my
17 own prior testimony. I looked at the testimony of
18 other people, including many people that I knew.

19 And in looking at all of that, I
20 systematically worked to build out what the answers
21 to those questions would be, based on the record
22 available to me, which included those types of
23 documents and sources as well as my own experience
24 in the United States government during this period
25 of time, in which I was having regular contact with

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CERTIFICATE

2

I, DEBRA A. DIBBLE, Registered Diplomate
Reporter, Certified Realtime Reporter, Certified
Court Reporter and Notary Public, do hereby certify
that prior to the commencement of the examination,
JONATHAN M. WINER, was duly sworn by me to testify
to the truth, the whole truth and nothing but the
truth.

6

I DO FURTHER CERTIFY that the foregoing is a
verbatim transcript of the testimony as taken
stenographically by and before me at the time, place
and on the date hereinbefore set forth, to the best
of my ability.

9

I DO FURTHER CERTIFY that pursuant to FRCP
Rule 30, signature of the witness was not requested
by the witness or other party before the conclusion
of the deposition.

11

I DO FURTHER CERTIFY that I am neither a
relative nor employee nor attorney nor counsel of
any of the parties to this action, and that I am
neither a relative nor employee of such attorney or
counsel, and that I am not financially interested in
the
action.

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DEBRA A. DIBBLE, RDR, CRR, CRC
NCRA Registered Diplomate Reporter
NCRA Certified Realtime Reporter
Certified Court Reporter

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Dated: 8-5-2021

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